

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:18-cv-00584-FDW**

JOHN DOUGLAS HUCKABEE,)	
)	
Petitioner,)	
)	
vs.)	<u>ORDER</u>
)	
STATE OF NORTH CAROLINA,)	
)	
Respondent.)	
)	

John Douglas Huckabee has filed a document titled “Motion and Request for Dismissal,” addressed to the presiding judge or chief resident judge of the “Mecklenburg County Federal Court.” It was docketed in this Court on October 30, 2018, as a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241. (Doc. No. 1.)

Huckabee filed the instant document while he was detained at the Surry County Jail awaiting trial on unspecified charges. He seeks release from pre-trial custody and dismissal of those charges. According to North Carolina Department of Public Safety records, Huckabee was convicted on November 5, 2018 in Surry County of attempted second-degree arson and has since been released on parole.¹

To the extent further action should be taken relative to Huckabee’s filing, the Court finds that venue lies in the United States District Court for the Middle District of North Carolina, as Surry County is within its territorial jurisdiction, see 28 U.S.C. § 113(b). Thus, in accordance

¹ Available at North Carolina Department of Public Safety Offender Public Information website, <https://webapps.doc.state.nc.us./opi/offendersearch.do?method=view> (last viewed Dec. 3, 2018).

with a joint order of the United States District Courts for the Eastern, Middle and Western Districts of North Carolina (Joint Order, In re: Applications for Writs of Habeas Corpus (Oct. 26, 1966)), the Court shall transfer this action to the United States District Court for the Middle District of North Carolina.

IT IS, THEREFORE, ORDERED that the Clerk of Court shall transfer this action to the United States District Court for the Middle District of North Carolina for all further proceedings. The Clerk is further directed to provide a copy of this Order to Huckabee and, thereafter, to close this case.

Signed: December 3, 2018



Frank D. Whitney
Chief United States District Judge

